

**Chapter 2. California Apprenticeship Council**  
**Subchapter 1. Apprenticeship**  
**Article A-1. General Provisions**

New query

**§200. General Provision.**

If any provision of this chapter or application thereof to any person, individual, party, entity or circumstances is held invalid, the remainder of the chapter and the application to any other person, individual, party, entity or circumstances, shall not be affected thereby.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Sections 1777.5 and 3081, Labor Code.

**HISTORY**

1. Revision of Chapter 2 filed 9-25-69; effective thirtieth day thereafter (Register 69, No. 39). For former sections and history, see Registers 67, Nos. 24 and 32, and 69, No. 19.
2. Amendment filed 8-27-76; effective thirtieth day thereafter (Register 76, No. 35).
3. Amendment filed 8-15-79; effective thirtieth day thereafter (Register 79, No. 33).
4. Editorial correction of NOTE filed 9-27-82; effective thirtieth day thereafter (Register 82, No. 40).
5. Amendment filed 1-25-85; effective thirtieth day thereafter (Register 85, No. 4).

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**Chapter 2. California Apprenticeship Council****Subchapter 1. Apprenticeship****Article 1. Procedures for Investigating, Holding Hearings and Determining Disputes**

New query

**§201. Filing of Complaints.**

(a) Complaints may be filed by any interested person with the Administrator of Apprenticeship or the Administrator of Apprenticeship upon his/her own initiative may issue a complaint, within the time—period specified below, when there is cause to believe that a decision, order or action of an apprenticeship program sponsor has been unfair or unreasonable; or that there has been a violation of:

- (1) Chapter 4, Division 3 of the Labor Code (excluding Section 1777.5), 30 days;
- (2) California Code of Regulations, Title 8, Chapter 2, Subchapter 1 (excluding Article 10), 30 days.
- (3) Apprenticeship Standards, 30 days;
- (4) Apprenticeship Agreements, 30 days;
- (5) Equal Opportunity Standards, 180 days and shall be filed and conducted in accordance with the State of California Plan for Equal Opportunity Apprenticeship (see title 8, California Code of Regulations, Section 215);
- (6) Rules, Regulations or Policies established by an apprenticeship program sponsor, 30 days.

(b) Complaints filed with, or by the Administrator of Apprenticeship shall contain the following:

- (1) The full name and address of the party (person, organization, or other party) filing the complaint (hereinafter referred to as the "charging party").
  - (2) The full name and address of the party (person, organization, or other party) against whom the complaint is made (hereinafter referred to as the "respondent").
  - (3) A clear and concise statement of the facts constituting the basis for the complaint.
  - (4) The signature of the person filing the complaint or an authorized officer or agent in the case of an organization, employer, labor union, apprenticeship program sponsor, or other interested party.
  - (5) A declaration by the person signing the complaint, under penalties of law, that its contents are true and correct to the best of his/her knowledge and belief.
- (c) Upon receipt or issuance of a complaint the Administrator of Apprenticeship shall cause a copy of such complaint to be served upon the respondent(s).

(d) Complaints may be withdrawn only with the consent of the Administrator of Apprenticeship.

## NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3081 and 3082, Labor Code.

## HISTORY

1. Amendment of subsection (c) filed 5-18-73; effective thirtieth day thereafter (Register 73, No. 20).
2. Amendment of subsection (a) filed 11-3-78; effective thirtieth day thereafter (Register 78, No. 44).
3. Editorial correction of subsection (b) filed 9-27-82; effective thirtieth day thereafter (Register 82, No. 40).
4. Amendment filed 1-25-85; effective thirtieth day thereafter (Register 85, No. 4).
5. Amendment filed 4-9-90 as an emergency; operative 4-9-90 (Register 90, No. 17). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-90.
6. Editorial correction restoring section dropped from printing of Register 90, No. 17 (Register 90, No. 42).
7. Reinstatement of section as it existed prior to 4-9-90 emergency amendment filed 5-21-91 pursuant to Government Code section 11346.1(f) 120 days from effective date (Register 91, No. 47).
8. Amendment filed 4-10-92; operative 5-11-2 (Register 92, No. 21).
9. Amendment of subsections (a)(1)-(2) and amendment of Note filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3).

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## Chapter 2. California Apprenticeship Council

### Subchapter 1. Apprenticeship

#### Article 1. Procedures for Investigating, Holding Hearings and Determining Disputes

New query

#### §202. Investigations, Holding of Hearings and Determinations.

(a) The Administrator of Apprenticeship, upon the timely receipt or issuance of a complaint under Section 201, shall investigate the matter to determine whether the complaint has merit, and in the course of such investigations, the Administrator of Apprenticeship may take such steps as he/she deems necessary under the circumstances to bring about an amicable adjustment of the controversy. In the event that there are local adjustment procedures which have been approved by the Chief DAS, the charging party(s) shall be referred to that procedure for a period not to exceed 60 calendar days prior to the filing and/or processing of a complaint under this section or Labor Code Section 3081. The referral for local adjustment shall in no way be construed so as to abrogate the statutory right to file a complaint under Section 3081 of the Labor Code. The Administrator of Apprenticeship shall dismiss any complaint that is not timely filed and may, following an investigation, dismiss any complaint that is found to be without merit. In such cases the Administrator of Apprenticeship shall prepare a statement of his/her findings and determinations and file it with the California Apprenticeship Council, and notify all parties to the complaint in writing in accordance with the Code of Civil Procedure Sections 1013a and 2015.5 of his/her determination to dismiss the complaint. The determination of the Administrator shall be within sixty (60) calendar days of receipt or issuance of the complaint, provided that the sixty (60) days allowed for a local adjustment procedure shall not affect the time provided for the determination of the Administrator. Any continuance caused by the parties shall toll the running of the sixty (60) day period provided for the determination of the Administrator. If any party to the complaint requests a hearing within 10 days of receipt of the notice of dismissal of the complaint, the Administrator or his/her duly authorized representative shall conduct a hearing in the same manner as set forth in subdivision (b).

(b) If the matter is not dismissed, withdrawn or settled satisfactorily, the Administrator of Apprenticeship shall hold a hearing in accordance with the following procedure:

(1) He/she shall fix the time and place of the hearing and notify all interested parties to the complaint not less than two weeks in advance in writing in accordance with the Code of Civil Procedure Sections 1013a and 2015.5 specifying the time and place of the hearing.

(2) The interested parties to the complaint shall be given an opportunity to present evidence and oral or written arguments in support of their positions.

(3) The hearing need not be conducted according to technical rules relating to evidence and witnesses.

(4) All witnesses testifying before the Administrator of Apprenticeship shall testify under oath.

(5) A full transcript of the hearing shall be taken by a qualified person.

(c) The Administrator of Apprenticeship or his/her duly authorized representative may conduct the

investigation, hold the hearing, and decide on the complaint. The Administrator of Apprenticeship may however, delegate, or authorize a representative only to hold a hearing and to report, reserving the authority to decide on the complaint. In that case, the duly authorized representative shall hold a hearing and submit to the Administrator of Apprenticeship the entire record of the hearing together with his/her written recommendations. The Administrator of Apprenticeship shall read the record and the written recommendations before deciding on the complaint.

(d) In deciding on the complaint, the Administrator of Apprenticeship or his/her duly authorized representative shall prepare a statement of findings of fact, make a decision, file it with the California Apprenticeship Council and notify all parties to the complaint in writing in accordance with the Code of Civil Procedure Sections 1013a and 2015.5 of the decision and of any action taken. The Administrator of Apprenticeship's decision on the complaint or any action taken shall be issued or taken no later than sixty (60) calendar days following the hearing.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Sections 3081 and 3082, Labor Code.

#### HISTORY

1. Amendment filed 8-15-79; effective thirtieth day thereafter (Register 79, No. 33).
2. Editorial correction of NOTE filed 9-27-82; effective thirtieth day thereafter (Register 82, No. 40).
3. Amendment filed 1-25-85; effective thirtieth day thereafter (Register 85, No. 4).
4. Amendment of subsection (a) filed 8-29-86; effective thirtieth day thereafter (Register 86, No. 36).

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## Chapter 2. California Apprenticeship Council

### Subchapter 1. Apprenticeship

#### Article 1. Procedures for Investigating, Holding Hearings and Determining Disputes

New query

#### §203. Appeals to the California Apprenticeship Council.

(a) The following procedures shall be followed when an appeal is filed with the Council within ten (10) days from the date the parties are given notification of the determination. The parties shall be deemed to have been given notification five (5) days after notice has been sent to their address of record.

(1) The Chair of the Council shall appoint three (3) members of the Council to act as an appeal board and decide the appeal. This appeal board shall consist of one member of the Council representing an employee organization and one member representing an employer organization; the third member will be a member who does not represent either of the aforementioned groups and shall act as chair of the appeal board.

(2) The appeal board shall review the entire record and may hold an appeal hearing thereon.

(3) In the event of a hearing, the designated chair of the appeal board shall fix the time and place of the hearing on the appeal and notify all interested parties to the appeal not less than two weeks in advance in writing in accordance with the Code of Civil Procedure Sections 1013a and 2015.5 specifying the time and place of the hearing.

(4) The hearing on the appeal shall be limited to a review of the record before the Administrator of Apprenticeship and to oral or written arguments by interested parties to the appeal; except where the appeal board finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the Administrator of Apprenticeship. In such cases, the appeal board may admit such evidence to supplement the record and exercise its independent judgment upon all of the evidence in the record. The appeal board may, in its independent judgment, refer the matter to the program sponsor for reconsideration of its prior action, in an attempt to resolve the matter amicably. An appellant apprentice, however, shall be entitled to file a new complaint in accordance with Title 8, Chapter 2, Section 201 of the California Administrative Code.

(5) The appeal board shall submit a written report to the Council summarizing the evidence, findings of fact, and recommended decision. The Council shall take appropriate action on the recommended decision. If for any reason the Council rejects the appeal board's recommended decision, a complete copy of the record shall be furnished each member of the Council for independent review and consideration before any action is taken by the Council in rendering a decision.

(6) The Council will timely notify all parties to the appeal of its decision in writing in accordance with the Code of Civil Procedure Sections 1013a and 2015.5.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Sections 3082, 3083 and 3084, Labor Code.

## HISTORY

1. Amendment filed 8-27-76; effective thirtieth day thereafter (Register 76, No. 35).
2. Amendment filed 8-15-79; effective thirtieth day thereafter (Register 79, No. 33).
3. Editorial correction of NOTE filed 9-27-82; effective thirtieth day thereafter (Register 82, No. 40).
4. Amendment filed 1-25-85; effective thirtieth day thereafter (Register 85, No. 4).
5. Amendment filed 6-4-85; effective thirtieth day thereafter (Register 85, No. 23).
6. Amendment filed 8-29-86; effective thirtieth day thereafter (Register 86, No. 36).

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Chapter 2. California Apprenticeship Council  
Subchapter 1. Apprenticeship  
Article 2. Definitions

New query

§205. Definitions.

(a) "Journeyman" means a person who has either

(1) completed an accredited apprenticeship in his/her craft, or

(2) who has completed the equivalent of an apprenticeship in length and content of work experience and all other requirements in the craft which has workers classified as journeyman in the apprenticeable occupation.

(b) "Instructor" means a person who has either

(1) completed an accredited apprenticeship in his/her craft, or

(2) who has completed the equivalent of an apprenticeship in length and content of work experience and all other requirements in the craft but may not necessarily be designated as a journeyman.

(c) An "Apprenticeable Occupation" is one which requires independent judgment and the application of manual, mechanical, technical, or professional skills and is best learned through an organized system of on-the-job training together with related and supplemental instruction.

(d) "Registration of an Apprentice Agreement" means the acceptance and recording thereof by the Division of Apprenticeship Standards which serves as evidence of the participation of the apprentice in a specific apprenticeship program.

(e) "Apprenticeship Program" means a comprehensive plan containing, among other things, apprenticeship program standards, committee rules and regulations, related and supplemental instruction course outlines and policy statements for the effective administration of that apprenticeable occupation.

(f) "Apprenticeship Program Standards" means that written document containing among other things all the terms and conditions for the qualification, recruitment, selection, employment and training, working conditions, wages, employee benefits, and other compensation for apprentices and all other provisions and statements including attachments as required by the Labor Code and this Chapter which, when approved by the Chief DAS, shall constitute registration of such, and authority to conduct that program of apprenticeship in the State of California.

(g) "Apprenticeship Program Sponsor" means a joint apprenticeship committee, a unilateral labor or management committee, or an individual employer program.

(h) "Related and Supplemental Instruction" means an organized and systematic form of instruction designed to provide the apprentice with knowledge including the theoretical and technical subjects related and supplemental to the skill(s) involved.



(i) "Competent Evidence" as used in Section 224 means a transcript or abstract of the record required to be maintained pursuant to Section 212(c)(6), or an attestation by the apprentice program sponsor stating that all training has been fully completed, on forms to be provided by the Division of Apprenticeship Standards, demonstrating that the apprenticeship program has been fully complete, certified by the apprenticeship program sponsor and endorsed by a representative of the Division of Apprenticeship Standards.

(j) An "Interested Party" for the purpose of application for approval of an apprenticeship program, means an employer, employer organization or association, a group of employers, employer associations or organizations, an employee association or organization, or employee representatives, a group of employee representatives, associations or organizations, labor and/or management groups or any combination thereof whose interest may be affected by the apprenticeship program if approved.

(k) "Maintenance" is defined as routine, recurring and usual work for the preservation, protection and keeping of any facility for its intended purposes in a safe and continually usable condition.

(l) The term "Chief DAS" means the Chief of the Division of Apprenticeship Standards.

(m) "Employed as an apprentice" in the building and construction industry for the purpose of Labor Code Section 3098 means employment pursuant to the approved standards of apprenticeship of the Program, under the supervision of journeyman/men, where the apprentice is receiving at least the minimum wage applicable to the apprentice's period of apprenticeship as provided for in this chapter.

(n) "Geographic Area of Operation" of an apprenticeship program means the geographic area in which the program regularly operates and trains apprentices.

#### NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3071, 3073, 3075, 3077, 3079, 3086 and 3090, Labor Code.

#### HISTORY

1. Amendment of subsection (a) filed 8-27-76, effective thirtieth day thereafter (Register 76, No. 35).
2. Amendment filed 8-15-79; effective thirtieth day thereafter (Register 79, No. 3).
3. Amendment filed 1-25-85; effective thirtieth day thereafter (Register 85, No. 4).
4. Amendment of subsection (f) and new subsection (l) filed 8-29-86; effective thirtieth day thereafter (Register 86, No. 36).
5. New subsections (m) and (n) filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3).

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**Chapter 2. California Apprenticeship Council**  
**Subchapter 1. Apprenticeship**  
**Article 2. Definitions**

New query

**§207. Termination of Apprenticeship Agreements.**

(a) During the probationary period, if any, an apprenticeship agreement shall be terminated by the program sponsor at the request in writing of either party.

(b) After the probationary period, or where there is no probationary period, the apprenticeship agreement may only be terminated by the Administrator. Where there is mutual agreement of the parties, an apprenticeship agreement may be terminated by submitting to the Administrator a request in writing to terminate the agreement signed by the parties. Where there is not mutual agreement, either party may request that the agreement be terminated by the Administrator. The party making the request shall submit whatever evidence it believes shows that there is good and sufficient reason to terminate the agreement. The Administrator shall review the evidence and, where there is good and sufficient reason, shall terminate the agreement. No program sponsor shall submit a request to terminate an apprenticeship agreement unless it shall first have given the apprentice notice in writing of its intended action and, if the program's standards provide for a local adjustment procedure, of the apprentice's right to exhaust the local adjustment procedure. In its request, the program sponsor shall advise the Administrator of the notice to the apprentice. An apprentice who contests a program sponsor's request for termination may also file a complaint under Section 201. If a complaint is filed, the Administrator shall join the request for termination with the apprentice complaint, and act upon both jointly.

**NOTE**

Authority cited: Section 3071, Labor Code. Reference: Sections 3077, 3078, 3079 and 3080, Labor Code.

**HISTORY**

1. New section filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3). For prior history, see Register 85, No. 4.

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## Chapter 2. California Apprenticeship Council

### Subchapter 1. Apprenticeship

#### Article 3. Standards for Minimum Wages, Maximum Hours and Working Conditions

New query

#### §208. Wages, Employee Benefits, and Other Compensation for Apprentices.

##### (a) For Apprentices In All Occupations Except The Building And Construction Industry:

For apprentices participating in approved apprenticeship programs in all industries, except the building and construction industry, the beginning wage rate, employee benefits and other compensation, and the progression of those rates, shall be decided by the sponsoring program in consultation with and subject to the approval of the Chief DAS.

##### (b) For Apprentices In The Building And Construction Industry Employed On Public Works Projects:

For apprentices participating in approved apprenticeship programs in the building and construction industry, the wages and employer payments for employee benefits as defined in 8 C.C.R. §16000 for regular and overtime work while employed on public works projects within the meaning of Labor Code §1720 et seq. shall be the per diem wage rates for apprentices in the apprenticeable occupation as determined by the Director of Industrial Relations in the geographic area of the project.

##### (c) For Apprentices In The Building And Construction Industry Employed On Projects Not Covered By Subsection (b), Above:

The hourly wage package as used herein consists of the total of the wages and employer payments for employee benefits as defined in 8 C.C.R. §16000. For apprentices participating in approved apprenticeship programs in the building and construction industry, the minimum hourly wage package for apprentices while employed on projects not covered by Subsection (b) above shall be as set forth either in subsections (1)-(5) of this subsection or, in the alternative, as set forth in subsection (6) of this subsection:

(1) A starting hourly wage package for first- period apprentices of not less than 40 percent of the prevailing per diem wage package for journeymen in the apprenticeable occupation and geographic area of the project, as determined by the Director of Industrial Relations for purposes of Labor Code §1720 et seq., using the rate effective on the immediately preceding March 1. At least 65 percent of this minimum hourly wage package must be paid to the apprentice as taxable wages;

(2) If there is no prevailing hourly wage package and wage package progression determined by the Director for journeymen for the apprenticeable occupation and geographic area, a starting wage rate decided by the sponsoring program in consultation with and subject to the approval of the Chief DAS based on consideration of the minimum starting hourly wage package and wage package progression for apprentices in the most analogous occupations and geographic areas;

(3) Where an employer elects to satisfy a portion of the hourly wage package by employer payments for employee benefits as defined in 8 C.C.R. §16000, the payment of such contributions must be verifiable and the cost of the benefit(s) must be reasonably related to the amount of the contribution(s). The

employer shall submit its books and records to an audit by the DAS staff, upon request, to verify such payments;

(4) Where an employer elects not to satisfy a portion of the apprentice's hourly wage package by employer payments for employee benefits as defined in 8 CCR §16000, the employer shall pay the entire hourly wage package to the apprentice on the apprentice's paycheck. Where an employer elects to satisfy a portion of the apprentice's hourly wage package by employer payments for employee benefits, the employer shall pay the remainder of the apprentice's hourly wage package to the apprentice in the apprentice's paycheck;

(5) The minimum hourly wage package shall increase for each successfully completed period of apprenticeship to a higher percentage of the prevailing per diem wage package for journeymen in the apprenticeable occupation and geographic area of the project. These periodic increases in percentage shall be equal (e.g., 40 percent, 50 percent, 60 percent, etc.) and shall be such that the minimum hourly wage package in the final period of apprenticeship is not less than 80 percent of the prevailing per diem wage package for journeymen in the apprenticeable occupation and geographic area of the project, as determined by the Director, using the rate effective on the immediately preceding March 1. At least 65 percent of this minimum hourly wage package must be paid to the apprentice as taxable wages;

(6) In the alternative, a contractor will be in compliance with this entire subsection (c) if the contractor provides the same total hourly wage package and wage package progression to apprentices employed on private projects as the contractor provides to apprentices employed on public works projects in the same geographic area, and that total hourly wage package is not less than the prevailing per diem apprentice wage package for the apprenticeable occupation and the geographic area of the project;

(7) Existing apprenticeship programs already approved by the DAS and the CAC which are not in compliance with any aspect of this Subsection (c) shall have until February 17, 2002, to come into full compliance;

(8) By the enactment of this regulation, it is not the CAC's intent to change the manner by which the Director of Industrial Relations currently determines the prevailing wage rate, and the provisions of this Subsection (c) shall not be used to determine the prevailing wage rate.

(9) After February 17, 2002, all contractors employing registered apprentices shall pay not less than the minimum wages required by this subsection (c).

(d) For All Apprentices

Nothing in this Section shall permit the payment of less than the minimum wage prescribed by the Federal Fair Labor Standards Act or any applicable State minimum wage order.

NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3071 and 1777.5, Labor Code.

HISTORY

1. Amendment filed 11-5-75; effective thirtieth day thereafter (Register 75, No. 45).
2. Amendment filed 8-15-79; effective thirtieth day thereafter (Register 79, No. 33).

3. Editorial correction of Article 3 heading filed 1-25-85; effective thirtieth day thereafter (Register 85, No. 4).
4. Amendment filed 8-29-86; effective thirtieth day thereafter (Register 86, No. 36).
5. Amendment of section heading, repealer and new section filed 9-6-95; operative 10-6-95 (Register 95, No. 36).
6. Amendment of section and Note filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3).

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**Chapter 2. California Apprenticeship Council**

**Subchapter 1. Apprenticeship**

**Article 3. Standards for Minimum Wages, Maximum Hours and Working Conditions**

New query

**§209. Overtime Provision.**

Overtime shall not interfere with or impair the training and shall not be detrimental to the health and safety of apprentices.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Sections 3071 and 3078, Labor Code.

**HISTORY**

1. New NOTE filed 9-27-82; effective thirtieth day thereafter (Register 82, No. 40).
2. Amendment filed 1-25-85; effective thirtieth day thereafter (Register 85, No. 4).

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**Chapter 2. California Apprenticeship Council**

**Subchapter 1. Apprenticeship**

**Article 3. Standards for Minimum Wages, Maximum Hours and Working Conditions**

New query

**§210. Working Conditions.**

Apprentices shall work under and with competent journeymen and/or instructors and shall be assigned to work and learning tasks so that they obtain the diversified training on-the-job provided for in the apprenticeship standards.

NOTE: Authority cited: Sections 3071 and 3078, Labor Code. Reference: Section 3071, Labor Code.

**HISTORY**

1. New NOTE filed 9-27-82; effective thirtieth day thereafter (Register 82, No. 40).
2. Amendment filed 1-25-85; effective thirtieth day thereafter (Register 85, No. 4).

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**Chapter 2. California Apprenticeship Council**  
**Subchapter 1. Apprenticeship**  
**Article 4. Apprenticeship Standards**

New query

**§212. Content of Apprenticeship Program Standards.**

Apprenticeship programs shall be established by written apprenticeship standards which must be approved by the Chief DAS under Section 212.2. In order to be approved, the standards must cover all work processes within the apprenticeable occupation. The standards must contain:

(a) A statement of:

(1) the occupation(s) and an outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate time to be spent in each major process;

(2) the parties to whom the standards apply, the program sponsor's labor market area, as defined by Section 215 appendix 2(l), for purposes of meeting equal employment opportunity goals in apprenticeship training and the program's geographic area of operation as defined by section 205(n);

(3) the duties of the apprentice;

(4) the apprentice's working conditions unique to the program;

(5) the progressively increasing wage, employee benefits and other compensation of the apprentice, as set by Section 208;

(6) the ratio of apprentices to journeymen, or the number of apprentices to be employed and the method used to determine the ratio whether by job site, workforce, department or plant;

(7) the local education agency which has agreed to provide the related and supplemental instruction, and a description of the courses to be provided;

(b) Provisions for:

(1) establishment of an apprenticeship committee, if applicable;

(2) administration of the standards;

(3) establishment of rules and regulations governing the program. An apprenticeship program's standards or rules may provide for a period of probation which may not be for more than the combination of 1,000 hours of employment and 72 hours of related instruction;

(4) determining the qualifications of employers if other than single employer programs and an orientation, workshop, or other educational session for employers to explain the apprenticeship program's standards and the operation of the apprenticeship program;

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- (5) determining the qualifications of apprentice applicants and fair and impartial treatment of applicants for apprenticeship selected through uniform selection procedures, which shall be an addendum to the standards, pursuant to Section 215;
- (6) the incorporation of the provisions of the standards into the apprentice agreement either directly or by reference;
- (7) a procedure to be utilized for the recording and maintenance of all records concerning apprenticeship and otherwise required by law including a system for recording the apprentice's worksite job progress and progress in related and supplemental instruction and a system for the periodic review and evaluation of the apprentice's progress in job performance and related instruction;
- (8) discipline of apprentices for failure to fulfill their obligations on-the-job or in related instruction, including provisions for fair hearings;
- (9) terminating, or recommending the cancellation of, apprentice agreements in accordance with section 207;
- (10) recommending issuance of State Certificates of Completion of Apprenticeship pursuant to Section 224;
- (11) training and supervision, both on the job and in related instruction, in first aid, safe working practices and the recognition of occupational health and safety hazards;
- (12) training in the recognition of illegal discrimination and sexual harassment;
- (13) approval of the standards, and revisions to the standards, by the Chief DAS;
- (14) an adequate mechanism to be used for the rotation of the apprentice from work process to work process to assure the apprentice of complete training in the apprenticeable occupation including mobility between employers when essential to provide exposure and training in various work processes in the apprenticeable occupation; and an adequate mechanism that will be used to provide apprentices with reasonably continuous employment in the event of a lay-off or the inability of one employer to provide training in all work processes as outlined in the standards;
- (15) the on-going evaluation of the interest and capacity of individual employers to participate in the apprenticeship program and to train apprentices on-the-job and provisions for the evaluation of on-the-job training and related and supplemental instruction;
- (16) compliance with training criteria where such have been adopted pursuant to Section 212.01; and
- (17) meaningful representation of the interests of apprentices in the management of the program, which is shown where:
  - (A) In a joint labor-management sponsored program, the apprentices participating in that program are represented by a labor organization pursuant to one of the following: National Labor Relations Act, the Railway Labor Act, the California Public Employee Relations Act, Agricultural Labor Relations Act, the Meyers-Milias Brown Act;
  - (B) In a program sponsored by more than one employer or an association of employers, the apprentices

participating in that program are at least equally represented on an advisory panel established by the apprenticeship committee responsible for the operation of the program. The apprentices shall be represented on the advisory panel by at least three representatives of the apprentices' choice who shall have full voice and vote on the panel except as to financial matters or matters that relate to the administration or structure of an employee benefit plan or the administration or operation of a trust fund. The representatives of the apprentices shall be selected by way of a secret ballot election among the apprentices conducted by the apprenticeship program not less than once every two (2) years. This advisory panel shall meet not less than once every quarter to address issues and concerns raised by and affecting the apprentices in the program.

(c) The names and signatures of the parties.

#### NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3060, 3071, 3073, 3075 and 3078, Labor Code.

#### HISTORY

1. Amendment of subsection (c) filed 5-7-75; effective thirtieth day thereafter (Register 75, No. 19).
2. Amendment of subsection (a)(8) filed 11-5-75; effective thirtieth day thereafter (Register 75, No. 45).
3. Amendment filed 8-15-79; effective thirtieth day thereafter (Register 79, No. 33).
4. Amendment filed 9-27-82; effective thirtieth day thereafter (Register 82, No. 40).
5. Amendment of initial paragraph and subsection (c)(15) filed 8-29-86; effective thirtieth day thereafter (Register 86, No. 36).
6. Amendment filed 9-6-95; operative 10-6-95 (Register 95, No. 36).
7. Amendment of section and Note filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3).

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**Chapter 2. California Apprenticeship Council**  
**Subchapter 1. Apprenticeship**  
**Article 4. Apprenticeship Standards**

New query

**§212.01. Industry Training Criteria.**

(a) The California Apprenticeship Council shall adopt uniform training criteria adopted by particular industry training committee established pursuant to the provisions of this section, or shall otherwise determine the uniform training criteria to be utilized in accordance with the provisions of this section.

(b) The following procedures shall be followed when initially establishing the uniform industry/trade or craft training criteria:

(1) A representative committee for each major apprenticeable craft/trade shall be established by the Chair of the California Apprenticeship Council who shall appoint a minimum of twelve (12) members, three signatory employer representatives, three non signatory employer representatives, three signatory employee representatives and three non signatory employee representatives. the term of each member shall be three years. The Chair may appoint additional members in the same proportion. The Chair shall appoint members from among candidates supplied by the sponsors of those apprenticeship programs in the particular industry or trade including those programs proposed but not approved. Where there are no programs to supply candidates in a category, the Chair shall select individuals working in the particular industry. The Chair shall endeavor to appoint members from all segments of the industry within Northern, Central and Southern California. The committee action shall require a two thirds majority.

(2) The committee shall meet as often as necessary at the call of its Chair, who shall be appointed annually by the Chair of the California Apprenticeship Council. The Chair of the committee shall rotate between union and non-union.

(3) The committee shall establish the industry/trade or craft training criteria, the content of which shall encompass all the requirements of Section 212 of these regulations and the following topics in addition thereto: length of training, related classroom instruction, types of work processes and the skills to be learned, on-the-job training, competency testing, apprenticeship program completion percentages, and procedures for the review and revision of the training criteria. The criteria for the barbering, cosmetology, skin care and nail care trades shall be consistent with the standards for licensure in these trades required by the State Board of Barbering and Cosmetology.

(4) The committee shall formulate the training criteria for the applicable industry trade/craft no later than twelve months from the date of its first meeting. The Council shall complete its review of the criteria by the second regularly scheduled meeting of the Council following the submission. If the Council approves the criteria, the Council shall then promulgate the criteria as regulations pursuant to the Administrative Procedure Act. If the Council does not approve the criteria, the submission shall be promptly returned to the committee with the Council's written reasons.

(c) Each three years following the adoption of a particular set of industry trade/craft training criteria, the particular committee shall meet to review, and revise, if necessary, the industry training criteria, subject to approval by the California Apprenticeship Council.

**Chapter 2. California Apprenticeship Council**  
**Subchapter 1. Apprenticeship**  
**Article 4. Apprenticeship Standards**

New query

**§212.1. Reciprocal Approval of Apprenticeship Programs.**

Apprenticeship programs and standards of employers and unions in other than the building and construction industry, which jointly form a sponsoring entity on a multistate basis and are registered pursuant to all requirements of Title 29 Code of Federal Regulations, Part 29, as adopted February 15, 1977, by any recognized State Apprenticeship Agency/Council or by the Bureau of Apprenticeship and Training, U.S. Department of Labor, shall be accorded approval reciprocity by the Chief DAS, if such reciprocity is requested by the sponsoring entity.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Section 3071, Labor Code.

**HISTORY**

1. New section filed 8-15-79; effective thirtieth day thereafter (Register 79, No. 33).
2. Amendment filed 8-29-86; effective thirtieth day thereafter (Register 86, No. 36).

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(d) All apprenticeship programs existing, whether approved or unapproved, at the time of the adoption of the appropriate minimum industry trade/craft training criteria, shall conform to such minimum criteria in their operations within one (1) year of the date of the adoption of such criteria by the California Apprenticeship Council.

#### NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3073, 3073.2 and 3078, Labor Code.

#### HISTORY

1. New section filed 9-27-96; operative 10-27-96 (Register 96, No. 39).
2. Amendment of section heading and Note filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3).

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**Chapter 2. California Apprenticeship Council**  
**Subchapter 1. Apprenticeship**  
**Article 4. Apprenticeship Standards**

New query

**§212.2. Eligibility and Procedure for DAS Approval of an Apprenticeship Program.**

(a) To be eligible for approval, a program must comply with all applicable federal and state law and regulations. A revision to change the program's occupation or to change the program's geographic area of operation to include a different labor market area is subject to the same application and approval process set out in (a)-(j) of this section for approval of a program, including providing notice of the proposed revision and an opportunity for comment to existing programs in the same apprenticeable occupation in the labor market area. The program sponsor shall submit to the Chief, DAS, an application for approval of the program and shall provide the program standards and, either with the application or during the application review process, evidence of:

- (1) commitment to provide safe work site facilities and safe equipment sufficient to train the apprentices;
- (2) commitment to provide skilled workers as trainers at the work site who meet the criteria for journeyman or instructor as defined in Section 205(a) or (b);
- (3) adequate arrangements for related and supplemental instruction pursuant to Labor Code section 3074;
- (4) ability to offer training and supervision in all work processes of the apprenticeable occupation;
- (5) the program sponsor's ability, including financial ability, and commitment to meet and carry out its responsibility under the federal and state law and regulations applicable to the apprenticeable occupation and for the welfare of the apprentice.

(b) The training must be in an apprenticeable occupation as defined in Section 205(c) and must conform to the requirements of Section 215 concerning equal opportunity in apprenticeship;

(c) Within thirty days after receipt of an application for approval of a program, or for approval of a revision to change the occupation or to change the program's geographic area of operation to include a different labor market area, the Chief DAS shall notify the sponsor in writing either that: (1) the application is complete and accepted for filing; or (2) the application is incomplete and specified additional information is required;

(d) Where a collective bargaining agreement exists, a program shall be jointly sponsored unless either party to the agreement waives its right to representation in writing;

(e) If the standards or collective bargaining agreement of a program proposed by an employer or employers' association provide for participation by a union in the operation of the program, the sponsor shall provide evidence that the union accepts or does not oppose the program. The union may submit comments on the proposed program within thirty days after receipt of the proposed standards. The Chief

may, in his or her discretion, consult with such union concerning the proposed program;

(f) If the standards and collective bargaining agreement of a program proposed by an employers' association do not provide for participation by a union in the operation of the program, the sponsor shall serve a copy of the proposed standards and any supplement thereto on the union, if any, which is the collective bargaining agent of the employees to be trained. The union may submit comments on the proposed program within thirty days after receipt of the completed standards. The Chief may, in his or her discretion, consult with such union concerning the proposed program;

(g) Upon receipt of the proposed standards of a program, the Chief shall serve a copy of the proposed standards and any supplement thereto on the sponsor of each existing program in the apprenticeable occupation in the labor market area of the program, unless the program has advised the Chief DAS that it does not wish to be so notified. Each such existing program may submit comments on the proposed program within thirty days after receipt of the completed standards. The Chief may, in his or her discretion, consult with such existing program concerning the proposed program;

(h) The Chief may, in his or her discretion, hold a hearing on any issue relating to the compliance of a proposed program with federal and state law and regulations. The Chief shall provide notice of, and an opportunity to attend, the hearing to the sponsor and to any union or existing program that is entitled to submit comments under this section. The hearing shall be conducted informally without the application of formal rules of evidence or procedure;

(i) The Chief's decision whether to approve a program shall be issued within ninety days after the receipt of the completed application for approval. The decision shall be served on the sponsor and on each party which submitted comments on the proposed program. The decision shall be in writing and shall set forth the relevant findings of fact, a discussion of any issues raised by any comments or at any hearing and the reasons for the decision;

(j) The median time for processing an application to train apprentices, from the receipt of the initial application to the final approval decision, based on the experience in the two years preceding the proposal of this Section, is two years. The minimum time is one and a half years, and the maximum time is three years.

(k) The Chief's decision approving or disapproving a proposed program shall be final and become an Order of the Council if no appeal is filed within 30 days following service of the decision on the parties. The appeal may be filed by the sponsor or by any union or existing program which was authorized to and did submit comments under this section;

(l) The chairperson of the Council shall refer the appeal, if any, to a three member panel which shall submit a recommendation to the full Council. The Panel's recommendation shall be submitted no later than the second regularly scheduled meeting of the Council after the filing of the appeal. The panel may, in its discretion, hold a hearing if the Chief did not hold a hearing in the consultation process. The hearing shall be conducted in compliance with Section 203.

(m) The Council may affirm, reverse, or modify the decision of the Chief or of the appeal panel. The decision of the Council on an appeal shall be final.

(n) All documents, notices and appeals filed or served under this Section shall be filed or served in accordance with Section 229.

NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3073, 3075 and 3090, Labor Code.

HISTORY

1. New section filed 8-15-79; effective thirtieth day thereafter (Register 79, No. 33).
2. Amendment filed 9-27-82; effective thirtieth day thereafter (Register 82, No. 40).
3. Amendment filed 8-29-86; effective thirtieth day thereafter (Register 86, No. 36).
4. Amendment of section heading and section filed 9-6-95; operative 10-6-95 (Register 95, No. 36).
5. Amendment filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3).

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**Chapter 2. California Apprenticeship Council**  
**Subchapter 1. Apprenticeship**  
**Article 4. Apprenticeship Standards**

New query

**§212.3. Apprenticeship Program Self-Evaluation and Monitoring.**

(a) Each apprenticeship program shall annually prepare and submit a Self-Assessment Review as well as a Program Improvement Plan to the Chief DAS; provided, however, that a program is not required to submit a Review and a Plan in the first year of its existence.

(b) The Self-Assessment Review shall contain an objective and critical appraisal of the following items at a minimum:

- (1) curriculum and instruction;
- (2) supervision and management;
- (3) individual apprentice training plans;
- (4) use of competent and qualified personnel;
- (5) utilization of facilities, equipment and material;
- (6) community, business and industry involvement;
- (7) recruitment, assessment and placement;
- (8) program promotion;
- (9) program accountability;
- (10) safety and drug-free environmental training; and
- (11) training in the recognition of sexual harassment and illegal discrimination.

(c) The Program Improvement Plan shall contain provisions by which the program sponsor(s) represent that good faith efforts shall be made to improve identified deficiencies in program operations and in the training of apprentices. Such Plan shall contain at a minimum:

- (1) remedial priorities;
- (2) program improvement objectives;
- (3) identification of personnel, resources, and action needed; and
- (4) timelines for completion of objectives.

(d) The Chief DAS shall select a program for random audit using a method that is not based on factors specific to that audit subject. A program may be selected for random audit only once during each five-year period beginning January 1, 2000. A program may be selected for non-random audit at any time if:

(1) there have been at least two previous final determinations that the program has violated laws or regulations regulating apprenticeship; or

(2) the Chief, DAS, as the result of a previous audit under this section, has identified violations of the program's standards or laws or regulations regulating apprenticeship and believes that the violations may not have been remedied.

(e) A program that has been selected for audit shall be notified by the Chief DAS fourteen (14) days prior to the commencement of the audit. The notice shall state whether the audit is a random audit or non-random.

(f) An audit of a program shall include a review of the program records, including records of apprentice training and related and supplemental instruction; inspection of the program's training facilities; visits to on-the-job training locations; and review of individual apprentice records. Apprentice records may be reviewed by a method of random selection and not every apprentice record need be reviewed so long as a sufficient number are reviewed to fairly evaluate the program. The Chief DAS shall provide a copy of the proposed audit report to the program within 30 days of the completion of the audit. The program shall have 14 days following receipt of the report to make comments. The Chief DAS may reopen the audit in response to any comments, and shall submit a final audit report, taking into account any comments, to the California Apprenticeship Council within 10 days following the final completion of the audit.

(g) Audit reports shall not include the name, address or social security number or other identifying information about any apprentice and shall not include any medical or other confidential information about any apprentice.

(h) The audit report prepared by the Chief DAS for presentation to the California Apprenticeship Council shall contain recommendations for remedial action to correct deficiencies, if any, and a proposed time schedule for doing so. The Chief DAS shall report at each regular California Apprenticeship Council meeting the status of each audit, including whether or not the deficiencies identified in the audit report have been corrected.

#### NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3073, 3073.1, 3074, 3074.3, 3075, 3078 and 3090, Labor Code.

#### HISTORY

1. New section filed 9-27-96; operative 10-27-96 (Register 96, No. 39).

2. Amendment of section heading, repealer of subsections (d)-(e), new subsections (d)-(h) and amendment of Note filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3).

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**Chapter 2. California Apprenticeship Council**  
**Subchapter 1. Apprenticeship**  
**Article 4. Apprenticeship Standards**

New query

**§212.4. Deregistration of Programs.**

The deregistration of a program cancels the approval of a program to operate.

(a) The Chief DAS shall deregister an apprenticeship program upon the request of the sponsor as long as within fifteen days of the Chief's acknowledgment of the request for deregistration, the sponsor shall inform each apprentice in writing of the deregistration, the proposed effective date of the deregistration and the names and addresses of other programs in the area. The Chief shall not deregister the program unless the sponsor complies with this requirement.

(b) The Chief may deregister an apprenticeship program, if the program is not conducted, operated and administered in accordance with applicable federal and state law and regulations or the program's approved apprenticeship standards, or if a program has had no active apprentices for a period of two (2) years, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with Section 215:

(1) If the Chief has information that a program is not being operated in accordance with applicable federal and state law and regulations or the program's approved apprenticeship standards, the Chief shall so notify the program sponsor in writing sent by registered or certified mail, with return receipt requested. The notice shall identify the violation and the action needed to correct the violation. The notice shall state that the program will be deregistered unless corrective action is completed within thirty days. Upon a showing of good cause, the Chief may grant the sponsor a reasonable extension of time to achieve corrective action. Where the Chief has information that a program has had no active apprentices for a period of two (2) years, that shall be considered grounds for deregistration and the Chief shall notify the program sponsor in writing as set forth above that the program will be deregistered unless the program can show good cause within thirty (30) days why it should not be deregistered;

(2) The Chief shall advise the sponsor in every reasonable way to help the program sponsor correct the violation;

(3) If the required correction is made, the Chief may periodically review the program to see that the correction is maintained;

(4) If the required correction is not completed, or if a program which has had no active apprentices for a period of two (2) years fails to show good cause why it should not be deregistered, within the allotted time, the Chief shall send a notice to the sponsor, by registered or certified mail, return receipt requested. The notice shall:

(A) State that it is sent pursuant to this subsection;

(B) Indicate that the program has had no active apprentices for a period of two (2) years and has failed to show good cause why it should not be deregistered; or identify the violation with particularity, state

when it was called to the sponsor's attention, identify the correction required and state that the sponsor has failed or refused to correct the violation;

(C) State that the Chief will recommend that the Administrator deregister the program unless the sponsor requests a hearing within fifteen days of the date of the notice;

(5) If the sponsor does not request a hearing, the Chief shall transmit to the Administrator a report containing all pertinent facts and circumstances concerning the violation, including the findings and recommendation for deregistration, and copies of all relevant documents and records. Statements concerning interviews, meetings and conferences shall include the time, date, place, and persons present. The Administrator shall make a final order on the basis of the record.

(6) If the sponsor requests a hearing, the Chief shall transmit to the Administrator a report containing all the data listed in subparagraph (5) above. The Administrator shall hold a hearing in accordance with Section 202, and shall make a final decision on the basis of the record, including the proposed findings and recommended decision of the Chief. At the Administrator's discretion, he/she may allow the sponsor a reasonable period of time to achieve corrective action.

(7) The decision of the Administrator concerning deregistration of a program shall be final and become an order of the Council unless an appeal is filed by the sponsor with the Council within thirty (30) days following the date the decision is issued. If the program is deregistered, and no appeal to the Council is filed, the deregistration shall be effective sixty (60) days following the date the Administrator's Decision was issued.

(8) The sponsor may appeal the Administrator's Decision to the Council. If an appeal is filed, the procedures of Section 203 shall be followed. The Decision of the Council shall be final and shall be effective thirty (30) days following the date the Council's Decision is issued.

(9) Upon issuance of the Administrator's Decision to deregister, the Administrator shall make public notice of this Decision and shall notify the sponsor and other programs in the same occupation and in the same labor market area. Within 15 days of service of the Administrator's Decision, the sponsor shall notify each apprentice of the Administrator's Decision to deregister the program. The sponsor shall inform each apprentice that, if the deregistration decision becomes final, it automatically terminates the apprentice's individual registration. The sponsor shall provide each apprentice with the names and addresses of other programs in the area. Finally, the sponsor shall provide Chief, DAS, with proof of said mailing.

#### NOTE

Authority cited: Sections 3071 and 3081, Labor Code. Reference: Sections 3073, 3075, 3078, 3081, 3082, 3083 and 3090, Labor Code.

#### HISTORY

1. New section filed 9-6-95; operative 10-6-95 (Register 95, No. 36).
2. Amendment filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3).

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**Chapter 2. California Apprenticeship Council**  
**Subchapter 1. Apprenticeship**  
**Article 4. Apprenticeship Standards**

New query

**§213. Discipline--Cancellation.**

The apprenticeship program standards may provide for the disciplining of apprentices for failure to fulfill their obligations on-the-job or in related instruction. Disciplinary measures may include provisions for the suspension of an apprentice for a period not to exceed sixty (60) days. Standards may provide for a recommendation to the Administrator of Apprenticeship for the immediate cancellation of the apprentice agreement for good and sufficient reason.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Section 3071, Labor Code.

**HISTORY**

1. Amendment filed 5-24-74; effective thirtieth day thereafter (Register 74, No. 21).
2. Amendment filed 8-15-79; effective thirtieth day thereafter (Register 79, No. 33).
3. Amendment filed 9-27-82; effective thirtieth day thereafter (Register 82, No. 40).

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**Chapter 2. California Apprenticeship Council**  
**Subchapter 1. Apprenticeship**  
**Article 5. Selection Procedures**

New query

**§215. State Compliance.**

Selection procedures must be in writing, approved by the apprenticeship program sponsor, and must meet objective standards.

Apprenticeship programs must comply with the State of California Plan for Equal Opportunity in Apprenticeship adopted by the California Apprenticeship Council on April 26, 1986 to be effective September 28, 1986, as though expressly set forth herein and shall be considered as an appendix hereto and appropriately marked as such, including the month and year of adoption.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Sections 3071, 3075.1 and 3076, Labor Code.

**HISTORY**

1. Amendment of subsection (a) filed 6-8-71; effective thirtieth day thereafter (Register 71, No. 24).
2. New subsection (d) filed 5-7-75; effective thirtieth day thereafter (Register 75, No. 19).
3. New subsection (e) filed 5-20-77; effective thirtieth day thereafter (Register 77, No. 21).
4. Amendment of subsection (a) filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
5. Amendment filed 9-27-82; effective thirtieth day thereafter (Register 82, No. 40).
6. Amendment filed 1-25-85; effective thirtieth day thereafter (Register 85, No. 4).
7. Amendment filed 8-29-86; effective thirtieth day thereafter (Register 86, No. 36).

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**Chapter 2. California Apprenticeship Council**  
**Subchapter 1. Apprenticeship**  
**Article 6. Apprenticeship Programs and Committees**

New query

**§218. Apprenticeship Programs.**

The administration and operation of apprenticeship programs shall be supervised by an apprenticeship program sponsor which shall approve apprentice agreements, adjust disputes and perform such other functions and duties as are agreed to in the apprenticeship standards. An apprenticeship program is not restricted to a local area of coverage and may provide for local, regional or statewide coverage in its standards. All actions and determinations regarding apprenticeship programs by apprenticeship program sponsors shall be made after giving reasonable notice and opportunity to be heard to all interested parties.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Sections 3073 and 3075-3080, Labor Code.

**HISTORY**

1. Amendment filed 1-25-85; effective thirtieth day thereafter (Register 85, No. 4).

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Chapter 2. California Apprenticeship Council  
Subchapter 1. Apprenticeship  
Article 7. State Certificates of Completion of Apprenticeship

New query

§224. When Issued.

(a) A "Certificate of Completion of Apprenticeship" attesting to the completion of an apprenticeship will be issued under the authority of the California Apprenticeship Council by the Division of Apprenticeship Standards upon receipt of such competent evidence as may be required by the California Apprenticeship Council.

(b) The certificate shall signify completion of an apprenticeship under standards and apprentice agreement approved under the State Apprenticeship Law and these regulations.

(c) Completion of the entire apprenticeship program by the apprentice shall be attested to by the local apprenticeship program sponsor. The local apprenticeship program sponsor will attest to the related and supplemental instruction after consulting with the appropriate school authorities regarding the completion of the educational requirements of related and supplemental subjects.

(d) The certificate is in recognition of completion of an apprenticeship. The certificate may be granted to an apprentice only when the apprentice:

(1) in addition to previous on-the-job training and related school instruction which is of an approved nature, shall have completed not less than an additional six (6) months as an apprentice under the laws of the State of California; and

(2) demonstrated to the satisfaction of the apprenticeship program sponsor, mastery of the skills and knowledge of the prescribed program.

(e) The local apprenticeship program sponsor in recognition of unusual ability and progress in mastering the skills of the occupations and the related and supplemental education program may decrease the apprenticeship period for individual apprentices by not more than twelve and one-half (12 1/2) percent.

(f) Credit toward the apprenticeship for work experience prior to the apprenticeship may be given by the local apprenticeship program sponsor after verification and/or examination. Credit for partial completion of the education requirements for related and supplemental instruction may be given by the local apprenticeship program sponsor after consultation with the appropriate school authorities concerning the mastery of the related instruction ordinarily required of the apprentices.

(g) In instances where school classes are not available or where attendance will result in an undue hardship on the apprentice, the local apprenticeship program sponsor, after consultation with the appropriate school officials, may make arrangements for acceptance of educational experiences such as home study or correspondence courses as fulfilling the related and supplemental education requirement.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Sections 3071 and 3078, Labor Code.

## HISTORY

1. Amendment of subsection (d) filed 9-27-82; effective thirtieth day thereafter (Register 82, No. 40).
2. Editorial correction of subsection (g) (Register 95, No. 41).

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## Chapter 2. California Apprenticeship Council

### Subchapter 1. Apprenticeship

#### Article 8. Local Joint Apprenticeship Committee Certificate of Authorization (Repealed)

New query

#### HISTORY

1. Amendment of subsections (a), (a)(1), (a)(4), (a)(5), (a)(6) and (a)(8) filed 8-9-71; effective thirtieth day thereafter (Register 71, No. 33).
2. Repealer of Article 8 (Section 225) filed 9-27-82; effective thirtieth day thereafter (Register 82, No. 40).

**Chapter 2. California Apprenticeship Council**  
**Subchapter 1. Apprenticeship**  
**Article 9. Certificates of Meritorious Service**

New query

§226. When Issued. (Repealed)

NOTE: Authority cited: Section 1777.7, Labor Code. Reference: Section 1777.5, Labor Code.

**HISTORY**

1. Repealer of Article 9 (Section 226) filed 1-25-85; effective thirtieth day thereafter (Register 85, No. 4).

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**Chapter 2. California Apprenticeship Council**  
**Subchapter 1. Apprenticeship**  
**Article 10. Required Apprentices On Public Works Contract**

New query

**§227. Scope and Application.**

These regulations shall govern all actions pursuant to provisions of Division 2, Part 7, Chapter 1, Labor Code Sections 1777.5 and 1777.7.

NOTE: Authority cited: Section 1777.7, Labor Code. Reference: Sections 1777.5, 1777.6 and 1777.7, Labor Code. *Hydrostorage, Inc. v. Northern California Boilermakers Local Joint Apprenticeship Committee*, (1989) 891 F.2d 719.

**HISTORY**

1. Repealer and new section filed 4-9-90 as an emergency; operative 4-9-90 (Register 90, No. 17). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-90. For prior history, see Register 82, No. 40.
2. Reinstatement of section as it existed prior to 4-9-90 emergency repeal and adoption filed 5-21-91 pursuant to Government Code section 11346.1(f) 120 days from effective date (Register 91, No. 47).
3. Repealer and new section filed 4-10-92; operative 5-11-92 (Register 92, No. 21).
4. Editorial correction of Authority cite (Register 95, No. 21).

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**Chapter 2. California Apprenticeship Council**  
**Subchapter 1. Apprenticeship**  
**Article 10. Required Apprentices On Public Works Contract**

New query

**§228. Definitions.**

For the purpose of this Article 10:

- (a) ADMINISTRATOR means the Administrator of Apprenticeship or a duly authorized representative.
- (b) CHIEF means the Chief of the Division of Apprenticeship Standards or a duly authorized representative.
- (c) CONTRACTOR means a general, prime, specialty or subcontractor.
- (d) COUNCIL means the California Apprenticeship Council.
- (e) DAS means the Division of Apprenticeship Standards.
- (f) DATE OF AGREEMENT OR CONTRACT AWARD means, whichever is earlier, the date the Public Work contract was signed by the party authorizing performance under the Public Work, or the date a Notice to Proceed was issued.
- (g) WORKER means any journeyman as defined in Section 205(a) of Title 8 performing work of an apprenticeable occupation on a public works job, except a licensee who is a sole proprietor.

**NOTE**

Authority cited: Section 1777.7, Labor Code. Reference: Sections 1777.5 and 1777.7, Labor Code.

**HISTORY**

1. New section filed 4-9-90 as an emergency; operative 4-9-90 (Register 90, No. 17). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-90. For history of former section 228, see Register 82, No. 40.
2. Repealed by operation of Government Code section 11346.1(g) 120 days from effective date (Register 91, No. 47).
3. New section filed 4-10-92; operative 5-11-92 (Register 92, No. 21).
4. Amendment filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3).

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## Chapter 2. California Apprenticeship Council

### Subchapter 1. Apprenticeship

#### Article 10. Required Apprentices On Public Works Contract

New query

##### §229. Service Notice and Computation of Time.

- (a) Except where otherwise provided for in these Regulations, all documents and notices required to be served pursuant to this Article shall be served personally, or by certified mail, or by first class mail on the party to be served or attorney or representative of Record.
- (b) Service shall be prior to filing. Proof of service, by means of a written declaration under penalty of perjury stating the name(s) and address(es) of party(s) served and the date and manner of service, shall be attached to the papers filed.
- (c) In computing the time within which a right may be exercised or an act is to be performed the first day shall be excluded and the last day shall be included. If the last day is a Saturday, Sunday or legal holiday, time shall be extended to the next weekday. For documents or notices served by first class mail the time for performing any act shall be extended pursuant to the Code of Civil Procedure Section 1013.
- (d) A request for review which is transmitted to the Administrator within 30 days after service of the order of debarment or civil penalty will be considered timely if the request was sent to the Administrator by first class mail or facsimile with a proof of service showing the date of service was within 30 days after service of the order of debarment or civil penalty.

##### NOTE

Authority cited: Section 1777.7, Labor Code. Reference: Section 1777.7, Labor Code.

##### HISTORY

1. Repealer and new section filed 4-9-90 as an emergency; operative 4-9-90 (Register 90, No. 17). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-90. For prior history, see Register 82, No. 40.
2. Reinstatement of section as it existed prior to 4-9-90 emergency repeal and adoption filed 5-21-91 pursuant to Government Code section 11346.1(f) 120 days from effective date (Register 91, No. 47).
3. Repealer and new section filed 4-10-92; operative 5-11-92 (Register 92, No. 21).
4. Amendment of section heading and new subsection (d) filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3).

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New query

**§230. Notification of Contract Award Information.**

(a) Contractors shall provide contract award information to the apprenticeship committee for each applicable apprenticeable craft or trade in the area of the site of the public works project that has approved the contractor to train apprentices. Contractors who are not already approved to train by an apprenticeship program sponsor shall provide contract award information to all of the applicable apprenticeship committees whose geographic area of operation includes the area of the public works project. This contract award information shall be in writing and may be a DAS Form 140, Public Works Contract Award Information. The information shall be provided to the applicable apprenticeship committee within ten (10) days of the date of the execution of the prime contract or subcontract, but in no event later than the first day in which the contractor has workers employed upon the public work. Failure to provide contract award information, which is known by the awarded contractor, shall be deemed to be a continuing violation for the duration of the contract, ending when a Notice of Completion is filed by the awarding body, for the purpose of determining the accrual of penalties under Labor Code Section 1777.7. The DAS Form 140 or written notice shall include the following information, but shall not require information not enumerated in Section 230:

- (1) the contractor's name, address, telephone number and state license number;
- (2) full name and address of the public work awarding body;
- (3) the exact location of the public work site;
- (4) date of the contract award;
- (5) expected start date of the work;
- (6) estimated journeyman hours;
- (7) number of apprentices to be employed;
- (8) approximate dates apprentices will be employed;

**NOTE**

Authority cited; Section 1777.7, Labor Code. Reference: Section 1777.5, Labor Code.

**HISTORY**

1. Repealer and new section filed 4-9-90 as an emergency; operative 4-9-90 (Register 90, No. 17). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-90. For prior history, see Register 82, No. 40.

2. Reinstatement of section as it existed prior to 4-9-90 emergency repeal and adoption filed 5-21-91 pursuant to Government Code section 11346.1(f) 120 days from effective date (Register 91, No. 47).
3. Repealer and new section filed 4-10-92; operative 5-11-92 (Register 92, No. 21).
4. Amendment filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3).

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New query

**§230.1. Employment of Apprentices on Public Works.**

(a) Contractors, as defined in Section 228 to include general, prime, specialty or subcontractor, shall employ registered apprentice(s), as defined by Labor Code Section 3077, during the performance of a public work project in accordance with the required 1 hour of work performed by an apprentice for every five hours of labor performed by a journeyman, unless covered by one of the exemptions enumerated in Labor Code Section 1777.5 or this subchapter. Unless an exemption has been granted, the contractor shall employ apprentices for the number of hours computed above before the end of the contract. Contractors who are not already approved to train by an applicable joint apprenticeship committee or unilateral committee must request the dispatch of required apprentices from one of the applicable Apprenticeship Committees whose geographic area of operation includes the site of the public work by giving the committee actual notice of at least 48 hours (excluding Saturdays, Sundays and holidays) before the date on which one or more apprentices are required. However, if a non-signatory contractor declines to abide by and comply with the terms of a local committee's standards, the Apprenticeship Committee shall not be required to dispatch apprentices to such contractor. Conversely, if in response to a written request an Apprenticeship Committee does not dispatch any apprentice to a contractor who has agreed to employ and train apprentices in accordance with either the Apprenticeship Committee's Standards or these regulations within 72 hours of such request (excluding Saturdays, Sundays and holidays) the contractor shall not be considered in violation of this section as a result of failure to employ apprentices for the remainder of the project, provided that the contractor made the request in enough time to meet the above-stated ratio. If an Apprenticeship Committee dispatches fewer apprentices than the contractor requested, the contractor shall be considered in compliance if the contractor employs those apprentices who are dispatched, provided that, where there is more than one Apprenticeship Committee able and willing to unconditionally dispatch apprentices, a contractor who is not a participant in an apprenticeship program has requested dispatch from at least two committees.

(b) Apprentices employed on public works shall be paid the applicable apprentice prevailing per diem wage rate, available from DAS, and derived from the Director's survey of wages paid on public works in the geographic area of the craft or trade. DAS shall refer complaints alleging any contractor's failure to pay the proper apprentice prevailing wage rate on a public works project to the Division of Labor Standards Enforcement for investigation and appropriate action.

(c) Apprentices employed on public works can only be assigned to perform work of the craft or trade to which the apprentice is registered. Work of the craft or trade consists of job duties normally assigned to journeymen in the apprenticeable occupation. Where an employer employs apprentices under the rules and regulations of the California Apprenticeship Council, as set forth in Labor Code Section 1777.5(c) (2), apprentices employed on public works must at all times work with or under the direct supervision of journeyman/men. The on-the-job training shall be in accordance with the apprenticeship standards and apprenticeship agreement under which the apprentice is training, provided that a contractor shall not be subject to any financial or administrative obligations to a trust fund or employee benefit plan unless the contractor has so agreed.

(d) Contractors who have bid or have been awarded public works projects prior to January 1, 2000 and

contractors who have bid prior to January 1, 2000 and have been awarded public works projects after January 1, 2000 shall comply with the provisions of Labor Code Section 1777.5 in effect prior to January 1, 2000, as implemented by California Apprenticeship Council regulations in effect prior to January 1, 2000.

#### NOTE

Authority cited: Section 1777.7, Labor Code. Reference: Section 1777.5, Labor Code.

#### HISTORY

1. New section filed 4-9-90 as an emergency; operative 4-9-90 (Register 90, No. 17). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-90.
2. Repealed by operation of Government Code section 11346.1(g) 120 days from effective date (Register 91, No. 47).
3. New section filed 4-10-92; operative 5-11-92 (Register 92, No. 21).
4. Amendment filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3).

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New query

**§230.2. Payment of Apprenticeship Training Contributions to the Council.**

(a) Contractors who are neither required nor wish to make apprenticeship training contributions to the applicable local training trust fund shall make their training contributions to the Council. Contractors may refer to the Director of the Department of Industrial Relations applicable prevailing wage determination for the amount owed for each hour of work performed by journeymen and apprentices in each apprenticeable occupation.

(b) Training contributions to the Council are due and payable on the 15th day of each month for work performed during the preceding month.

(c) Training contributions to the Council shall be paid by check and shall be accompanied by a completed CAC-2 Form, Training Fund Contributions, (Rev. 10/91), or the following information:

- (1) The name, address, and telephone number of the contractor making the contribution.
- (2) The contractor's license number.
- (3) The name and address of the public agency that awarded the contract.
- (4) The jobsite location, including the county where the work was performed.
- (5) The contract or project number.
- (6) The time period covered by the enclosed contributions.
- (7) The contribution rate and total hours worked by apprenticeable occupation.
- (8) The name of the program(s) that provided apprentices, if any.
- (9) The number of apprentice hours worked, by apprenticeable occupation and by program.

**NOTE**

Authority cited: Section 1777.7, Labor Code. Reference: Sections 1770, 1773, 1773.1 and 1777.5, Labor Code.

**HISTORY**

1. New section filed 4-9-90 as an emergency; operative 4-9-90 (Register 90, No. 17). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-90.

2. Repealed by operation of Government Code section 11346.1(g) 120 days from effective date (Register 91, No. 47).
3. New section filed 4-10-92; operative 5-11-92 (Register 92, No. 21).
4. New subsections (c)(8)-(9) filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3).

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New query

**§231. Filing of Complaints.**

(a) Complaints alleging noncompliance with Labor Code Section 1777.5 may be filed with the Chief by any person. Such complaints shall contain the following:

- (1) The full name and address of the party filing the complaint.
  - (2) The full name and address of the party(s) against whom the complaint is made (hereinafter referred to as the "respondent").
  - (3) The name and address of the general contractor if the party against whom the complaint is filed is a subcontractor.
  - (4) The full name and address of the public work awarding body.
  - (5) The location (address or geographic location) of the public work site.
  - (6) A clear and concise statement of the facts constituting the basis for the complaint, date(s) of the alleged violation(s) and where appropriate, substantiation that respondent has: (A) failed to provide the applicable Apprenticeship Committee with notice of contract award information; and/or (B) failed to comply with the required apprentice to journeyman ratio; and/or (C) failed to properly employ apprentice(s) by assigning apprentice(s) to perform work outside the craft or trade of the apprenticeable occupation; and/or (D) failed to make required contributions to the Council or to the applicable apprenticeship program; and/or (E) failed to provide the applicable Apprenticeship Committee with a verified statement of the journeyman and apprentice hours performed on the contract; and/or (F) otherwise violated Labor Code Section 1777.5.
  - (7) The apprenticeable occupation.
  - (8) A declaration by the person signing the complaint under penalty of perjury that its contents are true and correct to the best of his/her knowledge and belief.
  - (9) The signature of the person filing the complaint, or in the case of an organization, an authorized officer or agent.
  - (10) Proof of Service of the complaint on the respondent, and in the case of a respondent subcontractor also on the general and/or prime contractor, pursuant to the provisions of Section 229.
- (b) The Chief shall investigate complaints and provide written notice to the complaining party, if any, and the respondent of the determination. Whether or not there is a complaint, the Chief shall conduct an investigation before making a determination that a violation has occurred.

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(c) The filing of a complaint is not a prerequisite to the initiation of an investigation by the Chief or to a determination by the Chief that a violation has occurred.

(d) Before issuing a determination that a violation has occurred, the Chief shall provide the affected contractor(s) with written notice of the allegations and a reasonable opportunity to respond.

(e) The Chief, on his/her own initiative, may issue a non-willful Notice when there is cause to believe that there has been a non-willful violation of Labor Code Section 1777.5. Such Notice shall be filed within six (6) months from the date of the alleged violation and shall contain the information required in subpart (b) of this section, but need not be under penalty of perjury. The Chief shall serve notice of a determination of a civil penalty or debarment on the affected contractor(s). The notice shall set forth the procedure set forth in Labor Code section 1777.7(c) for obtaining review of the Chief's decision. For purposes of commencing a period of debarment, the date of the determination of noncompliance by the Chief shall be the first date on which the Chief's decision is no longer subject to review.

(f) Nothing in this subchapter shall prevent the Chief from entering into a settlement with the affected contractor, either before or after a notice of a determination.

(g) If the Chief determines that a contractor has failed to submit contract award information and/or a verified statement of the journeyman and apprentice hours performed, the contractor shall use certified mail as the means of making subsequent submissions and maintain U.S. Postal Service return receipts as proof of mailing. The certified mail requirement shall end after two years from the notice of the determination.

(h) For purposes of Labor Code Section 1777.7, a contractor knowingly violates Labor Code Section 1777.5 if the contractor knew or should have known of the requirements of that Section and fails to comply, unless the failure to comply was due to circumstances beyond the contractor's control. There is an irrebuttable presumption that a contractor knew or should have known of the requirements of Section 1777.5 if the contractor had previously been found to have violated that Section, or the contract and/or bid documents notified the contractor of the obligation to comply with Labor Code provisions applicable to public works projects, or the contractor had previously employed apprentices on a public works project.

#### NOTE

Authority cited: Section 1777.7, Labor Code. Reference: Sections 1770, 1773, 1777.5 and 1777.7, Labor Code.

#### HISTORY

1. New section filed 4-9-90 as an emergency; operative 4-9-90 (Register 90, No. 17). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-90.

2. Repealed by operation of Government Code section 11346.1(g) 120 days from effective date (Register 91, No. 47).

3. New section filed 4-10-92; operative 5-11-92 (Register 92, No. 21).

4. Amendment of section heading, section and Note filed 1-17-2002; operative 2-16-2002 (Register



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New query

**§231.1. Investigations of Alleged Willful Violations. (Repealed)**

NOTE: Authority cited: Section 1777.7, Labor Code. Reference: Section 1777.7, Labor Code.

**HISTORY**

1. New section filed 4-9-90 as an emergency; operative 4-9-90 (Register 90, No. 17). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-90.
2. Repealed by operation of Government Code section 11346.1(g) 120 days from effective date (Register 91, No. 47).
3. New section filed 4-10-92; operative 5-11-92 (Register 92, No. 21).
4. Change without regulatory effect repealing section filed 12-15-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 50).

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New query

**§231.2. Proceedings Before Hearing on Alleged Willful Violations. (Repealed)**

NOTE: Authority cited: Section 1777.7, Labor Code. Reference: Section 1777.7, Labor Code.

**HISTORY**

1. New section filed 4-9-90 as an emergency; operative 4-9-90 (Register 90, No. 17). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-90.
2. Repealed by operation of Government Code section 11346.1(g) 120 days from effective date (Register 91, No. 47).
3. New section filed 4-10-92; operative 5-11-92 (Register 92, No. 21).
4. Change without regulatory effect repealing section filed 12-15-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 50).

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New query

§232. Hearings on Alleged Willful Violations.

(a) The Administrator shall set the time and place of the hearing by issuing a written Notice of Hearing to the parties within thirty (30) days of receipt of the Accusation. The hearing shall commence no sooner than fifteen (15) days and no later than sixty (60) days after the issuance of the Notice of Hearing, except upon a showing of good cause.

(b) Hearings shall be held in accordance with the following procedures:

(1) The respondent, complainant and DAS shall be given an opportunity to present evidence and oral and/or written arguments in support of their positions.

(2) The hearing need not be conducted according to technical rules relating to evidence and witnesses.

(3) All witnesses testifying shall testify under oath.

(4) A record of the hearing shall be made by a qualified court reporter or by means of electronic recordation.

(5) Continuances shall be disfavored. No continuances shall be granted except upon stipulation of all the parties or for good cause shown.

NOTE: Authority cited: Section 1777.7, Labor Code. Reference: Section 1777.7, Labor Code.

HISTORY

1. New section filed 4-9-90 as an emergency; operative 4-9-90 (Register 90, No. 17). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-90.

2. Repealed by operation of Government Code 11346.1(g) 120 days from effective date (Register 91, No. 47).

3. New section filed 4-10-92; operative 5-11-92 (Register 92, No. 21).

4. Change without regulatory effect amending section heading, repealing subsections (b), (d) and (e) and relettering subsections filed 12-15-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 50).

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New query

§233. Appeals to the California Apprenticeship Council from Willful Hearings. (Repealed)

NOTE: Authority cited: Section 3071, Labor Code. Reference: Sections 3082 and 3083, Labor Code.

**HISTORY**

1. Repealer and new section filed 4-9-90 as an emergency; operative 4-9-90 (Register 90, No. 17). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language

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New query

**§234. Determination of Willful Noncompliance. (Repealed)**

NOTE: Authority cited: Section 1777.7, Labor Code. Reference: Section 1777.7, Labor Code.

**HISTORY**

1. Repealer and new section filed 4-9-90 as an emergency; operative 4-9-90 (Register 90, No. 17). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-90. For prior history, see Register 82, No. 40.

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New query

**§234.1. Penalties Imposed Under Labor Code Section 1777.7.**

If a contractor is found to have violated Labor Code Section 1777.5 in connection with more than one public works contract, penalties shall be imposed separately and consecutively for each violation.

NOTE: Authority cited: Section 1777.7, Labor Code. Reference: Section 1777.7, Labor Code.

**HISTORY**

1. New section filed 4-9-90 as an em



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New query

**§234.2. Administrative Procedures Are Not the Exclusive Remedy For Violations.**

The procedures in this Article are not intended to supersede, supplant, replace or limit any other means of enforcing the laws and regulations herein that may exist. The public agencies and political subdivisions administering them--the Chief, the Administrator and Council--or interested private parties, may initiate court proceedings where authorized un

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**Article 11. Joint Regulations Regarding Excess Costs for Related and Supplemental Instruction of Apprentices**

New query

**§235. Scope.**

Provisions of this Article apply only to those classes designed to provide related and supplemental instruction for apprentices and offered by local education agencies as authorized under Section 3074 of the California Labor Code.

The provisions of this article apply only in the event that there is a joint agreement between a local education agency and an apprenticeship program sponsor that excess costs incurred by the local education agency in connection with the program sponsored by the apprenticeship program sponsor shall be payable by the apprenticeship program sponsor. These regulations do not mandate such joint agreement. Once such joint agreement is reached, it shall be provided for as set forth in this article.

NOTE: Authority cited: Section 3074, Labor Code. Reference: Section 3074, Labor Code.

**HISTORY**

1. New Article 11 (Sections 235-241) filed 7-8-76; effective thirtieth day thereafter (Register 76, No. 28).
2. Amendment filed 5-31-85; effective thirtieth day thereafter (Register 85, No. 22).

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**Article 11. Joint Regulations Regarding Excess Costs for Related and Supplemental Instruction of Apprentices**

New query

**§236. Definitions.**

For the purpose of this article the following definitions apply:

- (a) LEA (Local Education Agency) means any public education agency authorized by law to provide related and supplemental instruction for apprentices.
- (b) Apprenticeship Program Sponsor means a joint apprenticeship committee, a unilateral apprenticeship committee or a party to a unilateral apprenticeship program where there is no apprenticeship committee established to administer apprenticeship in the occupation, area and industry. In any case the program sponsor must have approved written standards on file with the Division of Apprenticeship Standards.
- (c) Joint Agreement means a written agreement between an LEA and an apprenticeship program sponsor (s) which stipulates the method of calculating the excess costs in accordance with this article and provides for the method of payment of such excess costs, if any, to said LEA by the apprenticeship program sponsor(s).
- (d) Revenue earned means all revenue received by the LEA, as provided by law, for the hours of teaching time devoted to each apprentice enrolled in and attending classes of related and supplemental instruction conducted by the LEA.
- (e) Excess costs means all allowable costs of the LEA for conducting related and supplemental instruction classes that exceed revenue earned by the LEA from the attendance of apprentices in related and supplemental instruction classes or programs.
- (f) Attendance of apprentices means each hour of teaching time for each apprentice enrolled in and attending classes of related and supplemental instruction in accordance with Section 3074 of the Labor Code as reported on forms approved by the Superintendent of Public Instruction or the Chancellor.

NOTE: Authority cited: Section 3074, Labor Code. Reference: Section 3074, Labor Code; and Sections 8152 and 8153, Education Code.

**HISTORY**

- 1. Amendment filed 5-31-85; effective thirtieth day thereafter (Register 85, No. 22).

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**Article 11. Joint Regulations Regarding Excess Costs for Related and Supplemental Instruction of Apprentices**

New query

**§237. General Terms and Conditions.**

Pursuant to this article:

(a) Revenue earned and resulting costs of apprenticeship classes will be based on the attendance of apprentices only.

(b) Any joint agreement shall be completed prior to the beginning of course instruction and shall be reviewed annually, or as mutually agreed upon. Sponsors will be responsible only for those excess costs, if any, generated by their particular apprentices.

NOTE: Authority cited: Section 3074, Labor Code. Reference: Section 3074, Labor Code; and Sections 8152 and 8153, Education Code.

**HISTORY**

1. Amendment filed 5-31-85; effective thirtieth day thereafter (Register 85, No. 22).

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New query

**§238. Calculation of Costs.**

The costs of each apprenticeship program conducted by an LEA pursuant to a joint agreement is to be calculated separately.

(a) The allowable costs of an apprenticeship program will consist of the following as jointly agreed upon:

(1) Direct Costs. Identifiable expenses incurred to conduct the apprenticeship program in the classroom or at its location including instructional salaries and benefits, books and supplies, equipment replacement, contracted services, and capital outlay.

Where the expense is not exclusively for the apprenticeship program, only the prorated portion applicable to the apprenticeship program may be charged.

(2) Direct Support Charges. Identifiable expenses incurred in a support program directly benefitting the apprenticeship program.

Where the expense is not exclusively for the apprenticeship program, only the prorated portion applicable to the apprenticeship program may be charged.

The determination as to what items of direct support are applicable and the method or basis of charging to the apprenticeship program shall be mutually agreed upon and made a part of the joint agreement between the apprenticeship program sponsor(s) and the LEA.

(3) Indirect Support Charges. Identifiable expenses incurred for routine services not performed as a special service for a particular apprenticeship program but supportive of all programs conducted by the LEA.

Where the expense is not exclusively for the apprenticeship program, only the prorated portion applicable to the apprenticeship program may be charged.

The determination as to what items of noninstructional support are applicable and the method or basis of charging indirect support to the apprenticeship program shall be mutually agreed upon and made a part of the joint agreement between the apprenticeship program sponsor(s) and the LEA.

NOTE: Authority cited: Section 3074, Labor Code. Reference: Section 3074, Labor Code.

**HISTORY**

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1. Repealer of former Section 238 and renumbering and amendment of former Section 239 to Section 238 filed 5-31-85; effective thirtieth day thereafter (Register 85, No. 22).

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New query

**§239. Determining Excess Costs.**

If the costs of an apprenticeship program are greater than the revenue earned, the excess revenue earned from any other apprenticeship program(s) conducted by the LEA must be allocated on a pro rata basis to reduce the excess costs of the remaining program(s). Any excess costs remaining after allocation of any excess revenue earned can be claimed for payment from the apprenticeship program sponsor(s) pursuant to Section 240. If, after allocation of any excess revenue earned, no excess costs remain, no payment is required.

NOTE: Authority cited: Section 3074, Labor Code. Reference: Section 3074, Labor Code.

**HISTORY**

1. Renumbering of former Section 239 to Section 238, and renumbering and amendment of former Section 240 to Section 239 filed 5-31-85; effective thirtieth day thereafter (Register 85, No. 22).

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**Chapter 2. California Apprenticeship Council**

**Subchapter 1. Apprenticeship**

**Article 11. Joint Regulations Regarding Excess Costs for Related and Supplemental Instruction of Apprentices**

New query

**§240. Payment.**

Upon the close of the school year or at other such time as may be specified in the joint agreement, all excess costs incurred by the LEA shall be verified to the apprenticeship program sponsor(s) and shall be payable by the apprenticeship program sponsor(s) directly to the LEA in accordance with the joint agreement between such sponsor(s) and the LEA.

All LEA's providing related and supplemental instruction for apprentices that have executed a joint agreement with an apprenticeship program sponsor(s) shall submit a copy of the agreement and report any excess costs payments received to the Chancellor of the California Community Colleges or Superintendent of Public Instruction, as appropriate, and to the Division of Apprenticeship Standards on forms provided.

NOTE: Authority cited: Section 3074, Labor Code. Reference: Section 3074, Labor Code.

**HISTORY**

1. Renumbering of former Section 240 to Section 239, and renumbering and amendment of former Section 241 to Section 240 filed 5-31-85; effective thirtieth day thereafter (Register 85, No. 22).

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**Chapter 2. California Apprenticeship Council**

**Subchapter 1. Apprenticeship**

**Article 11. Joint Regulations Regarding Excess Costs for Related and Supplemental Instruction of Apprentices**

New query

**§241. Payment.**

NOTE: Authority cited: Section 3074, Labor Code. Reference: Section 3074, Labor Code.

**HISTORY**

1. Renumbering and amendment of Section 241 to Section 240 filed 5-31-85; effective thirtieth day thereafter (Register 85, No. 22)

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**Chapter 2. California Apprenticeship Council**  
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**Article 12. Apprenticeship Program Fees**

New query

§242. Scope. (Repealed)

NOTE: Authority cited: Sections 54, 55 and 1777.8, Labor Code. Reference: Sections 1777.8, 3073 and 3077, Labor Code.

**HISTORY**

1. New section filed 11-20-90 as an emergency; operative 11-20-90 (Register 91, No. 1). A Certificate of Compliance must be transmitted to OAL by 3-20-91 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of law (Register 91, No. 21).
3. New section filed 4-24-91; operative 4-24-91 (Register 91, No. 21). A Certificate of Compliance must be transmitted to OAL by 8-22-91 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-24-91 order transmitted to OAL 6-11-91; disapproved by OAL and order of repeal as to 4-24-91 order issued on 7-11-91 (Register 91, No. 45).
5. New section refiled 7-11-91 as an emergency; operative 7-11-91 (Register 91, No. 45). A Certificate of Compliance must be transmitted to OAL by 11-8-91 or emergency language will be repealed by operation of law on the following day.
6. Repealed by operation of Government Code section 11346.1(g) (Register 92, No. 39).

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Article 12. Apprenticeship Program Fees

New query

§242.1. Definitions. (Repealed)

NOTE: Authority cited: Sections 54, 55 and 1777.8, Labor Code. Reference: Sections 1777.8, 3070, 3073, 3075 and 3077, Labor Code.

HISTORY

1. New section filed 11-20-90 as an emergency; operative 11-20-90 (Register 91, No. 1). A Certificate of Compliance must be transmitted to OAL by 3-20-91 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of law (Register 91, No. 21).
3. New section filed 4-24-91; operative 4-24-91 (Register 91, No. 21). A Certificate of Compliance must be transmitted to OAL by 8-22-91 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-24-91 order transmitted to OAL 6-11-91; disapproved by OAL and order of repeal as to 4-24-91 order issued on 7-11-91 (Register 91, No. 45).
5. New section refiled 7-11-91 as an emergency; operative 7-11-91 (Register 91, No. 45). A Certificate of Compliance must be transmitted to OAL by 11-8-91 or emergency language will be repealed by operation of law on the following day.
6. Repealed by operation of Government Code section 11346.1(g) (Register 92, No. 39).

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New query

§242.2. Assessment Fee Determination and Collection. (Repealed)

NOTE: Authority cited: Sections 54, 55, and 1777.8, Labor Code. Reference: Section 1777.8, Labor Code.

HISTORY

1. New section filed 11-20-90 as an emergency; operative 11-20-90 (Register 91, No. 1). A Certificate of Compliance must be transmitted to OAL by 3-20-91 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of law (Register 91, No. 21).
3. New section filed 4-24-91; operative 4-24-91 (Register 91, No. 21). A Certificate of Compliance must be transmitted to OAL by 8-22-91 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-24-91 order transmitted to OAL 6-11-91; disapproved by OAL and order of repeal as to 4-24-91 order issued on 7-11-91 (Register 91, No. 45).
5. New section refiled 7-11-91 as an emergency; operative 7-11-91 (Register 91, No. 45). A Certificate of Compliance must be transmitted to OAL by 11-8-91 or emergency language will be repealed by operation of law on the following day.
6. Repealed by operation of Government Code section 11346.1(g) (Register 92, No. 39).

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New query

§242.3. Program Sponsor Registration Fee. (Repealed)

NOTE: Authority cited: Sections 54, 55 and 1777.8, Labor Code. Reference: Sections 1777.5 and 1777.8, Labor Code.

HISTORY

1. New section filed 11-20-90 as an emergency; operative 11-20-90 (Register 91, No. 1). A Certificate of Compliance must be transmitted to OAL by 3-20-91 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of law (Register 91, No. 21).
3. New section filed 4-24-91; operative 4-24-91 (Register 91, No. 21). A Certificate of Compliance must be transmitted to OAL by 8-22-91 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-24-91 order transmitted to OAL 6-11-91; disapproved by OAL and order of repeal as to 4-24-91 order issued on 7-11-91 (Register 91, No. 45).
5. New section refiled 7-11-91 as an emergency; operative 7-11-91 (Register 91, No. 45). A Certificate of Compliance must be transmitted to OAL by 11-8-91 or emergency language will be repealed by operation of law on the following day.
6. Repealed by operation of Government Code section 11346.1(g) (Register 92, No. 39).

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New query

§242.4. Collection of Excess Fees. (Repealed)

NOTE: Authority cited: Sections 54, 55 and 1777.8, Labor Code. Reference: Section 1777.8, Labor Code.

HISTORY

1. New section filed 11-20-90 as an emergency; operative 11-30-90 (Register 91, No. 1). A Certificate of Compliance must be transmitted to OAL by 3-20-91 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of law (Register 91, No. 21).
3. New section filed 4-24-91; operative 4-24-91 (Register 91, No. 21). A Certificate of Compliance must be transmitted to OAL by 8-22-91 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-24-91 order transmitted to OAL 6-11-91; disapproved by OAL and order of repeal as to 4-24-91 order issued on 7-11-91 (Register 91, No. 45).
5. New section refiled 7-11-91 as an emergency; operative 7-11-91 (Register 91, No. 45). A Certificate of Compliance must be transmitted to OAL by 11-8-91 or emergency language will be repealed by operation of law on the following day.
6. Repealed by operation of Government Code section 11346.1(g) (Register 92, No. 39).

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New query

**§242.5. Non-Payment of Fees. (Repealed)**

NOTE: Authority cited: Sections 54, 55 and 1777.8, Labor Code. Reference: Section 1777.8, Labor Code.

**HISTORY**

1. New section filed 11-20-90 as an emergency; operative 11-20-90 (Register 91, No. 1). A Certificate of Compliance must be transmitted to OAL by 3-20-91 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of law (Register 91, No. 21).
3. New section filed 4-24-91; operative 4-24-91 (Register 91, No. 21). A Certificate of Compliance must be transmitted to OAL by 8-22-91 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-24-91 order transmitted to OAL 6-11-91; disapproved by OAL and order of repeal as to 4-24-91 order issued on 7-11-91 (Register 91, No. 45).
5. New section refiled 7-11-91 as an emergency; operative 7-11-91 (Register 91, No. 45). A Certificate of Compliance must be transmitted to OAL by 11-8-91 or emergency language will be repealed by operation of law on the following day.
6. Repealed by operation of Government Code section 11346.1(g) (Register 92, No. 39).

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New query

§242.6. Revised Assessment. (Repealed)

NOTE: Authority cited: Sections 54, 55 and 1777.8, Labor Code. Reference: Section 1777.8, Labor Code.

HISTORY

1. New section filed 11-20-90 as an emergency; operative 11-20-90 (Register 91, No. 1). A Certificate of Compliance must be transmitted to OAL by 3-20-91 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of law (Register 91, No. 21).
3. New section filed 4-24-91; operative 4-24-91 (Register 91, No. 21). A Certificate of Compliance must be transmitted to OAL by 8-22-91 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-24-91 order transmitted to OAL 6-11-91; disapproved by OAL and order of repeal as to 4-24-91 order issued on 7-11-91 (Register 91, No. 45).
5. New section refiled 7-11-91 as an emergency; operative 7-11-91 (Register 91, No. 45). A Certificate of Compliance must be transmitted to OAL by 11-8-91 or emergency language will be repealed by operation of law on the following day.
6. Repealed by operation of Government Code section 11346.1(g) (Register 92, No. 39).

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